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**DECISION** of the Board of Selectmen (hereinafter the Board) on the petition of Integrity Building & Design Inc. (hereinafter the Petitioner) for the property located at 498 Great Road, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map C4 Parcel 7.

This Decision is in response to an application submitted to the Board on December 9, 2003 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct a new building approximately 1,900 square foot of two levels with associated parking. The building is proposed to be used as a Building Trade Shop.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on February 9, 2004 at 7:30 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. The hearing was continued to March 8, 2004 at 8:15 P.M. at which time the hearing was closed. Board members Walter Foster, F. Dore' Hunter, Peter Ashton, William Shupert III and Robert Johnson were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

#### **Exhibit I**

A properly executed application for Site Plan approval received December 9, 2003; a booklet containing a certified abutters list, USE description, drainage calculations, water balance calculations, other permits, letter from Acton Survey and Engineering dated February 6, 2004, a seven sheet set of Site Plan drawings dated December 8, 2003; revised February 20, 2004; building plans dated November 24, 2003.

#### **Exhibit II**

Interdepartmental Communication (IDC) from the Town Manager to the Town Staff requesting comments. The following IDC's were received:

1. Building Commissioner dated February 6, 2004 and March 1, 2004
2. Town Planner dated January 2, 2004
3. Fire Chief dated January 23, 2004
4. Municipal Properties Director dated December 24, 2003
5. Engineering Administrator dated January 8, 2004
6. Health Agent dated December 15, 2003
7. Transportation Advisory Committee dated January 30, 2004
8. Recreation Director dated December 15, 2003

Exhibit I is hereinafter referred to as the Plan.

#### **1.0 Findings and Conclusions**

Based upon its review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the Limited Business Zoning District and Zone 4 of the Groundwater Protection District and the proposed USE is allowed in both Districts.

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- 1.2 The site is subject to Site Plan Special Permit #09/26/77-138, #04/19/79-167, and #06/25/87-285. All previous decisions remain in full force and effect except as herein amended.
- 1.3 The Bylaw requires the site include a sidewalk along the entire frontage. The Board may also require other walkways and paths as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. A sidewalk exists along the Great Road frontage. A sidewalk does not currently exist along Breezy Point Road frontage. The Petitioner and Board have agreed that instead of building a sidewalk along Breezy Point Road the Petitioner shall contribute \$3,000 for sidewalk construction.
- 1.4 The landscape boundary between 2 Breezy Point Road and this site is only ten feet wide. The vehicles from the site parking in this area would be pointed directly at the residential neighbor. The Board finds a six foot tall stockade fence would better protect the residential abutter.
- 1.5 The Plan as herein modified:
  - Will protect the neighborhood and the town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
  - Will provide for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation including emergency vehicles, on or adjoining the site.
  - Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
  - Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
  - Is consistent with the Master Plan.
  - Is in harmony with the purpose and intent of this Bylaw.
  - Will not be detrimental or injurious to the neighborhood in which it is to take place.
  - Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted 5 to 0 to **GRANT** the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

## 2.0 **Plan Modifications**

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 The Plan shall be revised so that all sheets are consistent.
- 2.2 A six foot tall stockade fence shall be added adjacent to the residential abutter.

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### **3.0 Conditions**

- 3.1 The \$3,000 gift offered instead of construction of a sidewalk along Breezy Point Road shall be provided prior to a building permit being issued.
- 3.2 Exterior storage of construction equipment or material shall be prohibited unless there is active construction.
- 3.3 Prior to occupancy or use of the new building, an as-built plan shall be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.
- 3.4 All exterior lighting shall comply with Bylaw § 10.4.3.2 and approved by the Building Commissioner prior to installing.

### **4.0 Limitations**

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM Monday through Saturday.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 4.7 This Site Plan Special Permit shall lapse on March 22, 2006 unless work approved by this permit has commenced except for good cause. Any request for extensions shall be made at least thirty (30) days prior to expiration. The Board reserves the right to amend the permit by its own or at the request of the applicant with or without a new hearing.

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5.0 **Appeals**

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this                      day of                      ,2004

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Walter Foster, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

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Christine Joyce, Recording Secretary

\_\_\_\_\_  
Date filed with Town Clerk

\_\_\_\_\_  
Edward Ellis, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of Integrity Building & Design Inc. has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Date

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Edward Ellis, Town Clerk

cc: Petitioner  
Building Commissioner  
Planning Board  
Engineering  
Conservation  
Director of Municipal Properties  
Board of Health  
Town Clerk  
Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury